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In re Application of : **OFFICE OF PETITIONS**
Eskin : LETTER REGARDING PTA
Application No. 09/775,194 :
Filed: February 1, 2001 :
Atty. Dkt. No.: 12206-002001 :

This letter is in response to the "LETTER REGARDING PATENT TERM ADJUSTMENT," filed February 1, 2007. The Office thanks applicants for their good faith and candor in bringing this to our attention.

The Determination of Patent Term Adjustment mailed November 27, 2006 indicated that the above-identified application was entitled to a patent term adjustment ("PTA") of 639 days. Applicant does not contest any of the adjustments or reductions to date, but instead indicates that the adjustment appears to be longer than appropriate.

The correct Patent Term Adjustment ("PTA") at the time of the allowance is 588 days.

A review of the record confirms the accuracy of the adjustments (782 days) and reductions (143 days) reflected in the Determination of Patent Term Adjustment mailed November 27, 2006.

However, further review of the record reveals that the Office failed to record a reduction of 51 days under 37 CFR 1.704(b) in connection with the reply filed August 31, 2001 in response to the Notice of Missing Parts mailed April 11, 2001. The reduction began July 12, 2001, the day after the date that is four months after the date the Notice of Missing Parts was filed, and ended August 31, 2001, the date a reply thereto was filed.


Accordingly, at the time the Notice of Allowance was mailed, the application is entitled to an adjustment 588 days (adjustments totalling 782 days less reductions totalling 194 days).

As applicants are advising us of a potential error in providing too much patent term adjustment in this application, no fee is due in connection with this matter.

The patent term adjustment indicated in the patent will include any additional patent term accrued pursuant to §§ 1.702(a)(4) and 1.702(b).

This application is being forwarded to Technology Center 2600 for processing of the request for continued examination filed February 16, 2007.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.



Kery Fries
Senior Patent Attorney
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: Copy of Adjustment PAIR Calculation

Day : Monday
Date: 9/10/2007**PALM INTRANET**

Time: 12:46:38

PTA Calculations for Application: 09/775194

Application Filing Date:	02/01/2001	PTO Delay (PTO):	782
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	143
Post-Issue Petitions:	0	Total PTA (days):	588
PTO Delay Adjustment:	-51		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
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51	08/31/2001	OATH OR DECLARATION FILED (INCLUDING SUPPLEMENTAL)			
50	11/20/2006	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
49	11/16/2006	NOTICE OF ALLOWABILITY			
48	10/25/2006	DATE FORWARDED TO EXAMINER			
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46	10/18/2006	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
45	10/10/2006	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
44	08/17/2006	MAIL FINAL REJECTION (PTOL - 326)			
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31	12/20/2005	ADVISORY ACTION (PTOL-303)			
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28	10/03/2005	MAIL FINAL REJECTION (PTOL - 326)			
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20	12/08/2004	CASE DOCKETED TO EXAMINER IN GAU			
19	11/19/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
18	11/19/2004	DATE FORWARDED TO EXAMINER			
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15	10/25/2002	REFERENCE CAPTURE ON IDS			
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11	04/07/2004	CASE DOCKETED TO EXAMINER IN GAU			
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9	07/21/2003	CASE DOCKETED TO EXAMINER IN GAU			
8	10/25/2002	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
7	10/01/2002	CASE DOCKETED TO EXAMINER IN GAU			
6	10/11/2001	APPLICATION DISPATCHED FROM OIPE			
5	10/10/2001	APPLICATION IS NOW COMPLETE			
4	04/11/2001	NOTICE MAILED--APPLICATION INCOMPLETE-- FILING DATE ASSIGNED			
3	04/11/2001	CORRESPONDENCE ADDRESS CHANGE			
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EXPLANATION OF PTA CALCULATION

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